

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EXPORT DEVELOPMENT CANADA,

Plaintiff,

v.

BNL DISTRIBUTION SERVICES, INC.,

Defendant.

HONORABLE JOSEPH E. IRENAS
CIVIL ACTION NO. 08-2576
(JEI)

**MEMORANDUM ORDER GRANTING
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT
(Docket Entry 15)**

APPEARANCES:

BRESSLER, AMERY & ROSS

BY: David H. Pikus, Esq.

Genevieve K. LaRobardier, Esq.

325 Columbia Turnpike

Florham Park, NJ 07932

Counsel for Plaintiff

STEVEN J. JOZWIAK, ESQ.

523 Hollywood Avenue

Suite 206

Cherry Hill, NJ 08002

Counsel for Defendant

IRENAS, Senior District Judge:

This matter having appeared before the Court on the Motion for Summary Judgment of Plaintiff (Docket No. 15), and it appearing that:

1. On October 14, 2008, Plaintiff filed the present Motion for Summary Judgment, asserting that (a) Plaintiff sold goods to Defendant and (b) Defendant failed to pay Plaintiff amounts due under that commercial obligation.

2. Defendant's response to Plaintiff's Motion was due on

November 4, 2008.

3. On November 4, 2008, Defendant's counsel, Steven J. Jozwiak, submitted a letter to the Court in which he states that no response to Plaintiff's Motion for Summary Judgment will be filed because Defendant intends to file for bankruptcy and has retained A. Fred Ruttenberg of the law firm Flaster & Greenberg to file a bankruptcy petition on Defendant's behalf.

4. On November 7, 2008, the Court contacted Mr. Ruttenberg via telephone and was advised that Mr. Ruttenberg intends to file a bankruptcy petition on behalf of Defendant during the week of November 10, 2008.

5. The Court having considered Plaintiff's Motion for Summary Judgment and determined that the motion is meritorious.

Therefore, **IT IS** on this 7th day of November, 2008,

ORDERED THAT:

Plaintiff's Motion for Summary Judgment is hereby **GRANTED** and Judgment shall be entered herewith against Defendant and in favor of Plaintiff in the amount of Five Hundred and Seventy-Six Thousand, Two Hundred and Eighty Dollars and Eighty-Nine Cents (\$576,280.89) including:

- (a) Unpaid commercial obligations in the amount of Five Hundred and Twenty-Four Thousand, Nine Hundred and Ninety-Six Dollars and Twenty-Five Cents (\$524,996.25).
- (b) Interest accrued through November 1, 2008, in the amount

of Fifty-One Thousand, Two Hundred and Eighty-Four Dollars
and Sixty-Four Cents (\$51,284.64).

s/ Joseph E. Irenas
JOSEPH E. IRENAS, S.U.S.D.J.